

# EXTENSIONS OF REMARKS

## A PROCLAMATION RECOGNIZING FRANK A. FREGIATO

**HON. ROBERT W. NEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 3, 2005*

Mr. NEY. Mr. Speaker:

Whereas, Frank A. Fregiato is a dedicated citizen worthy of merit and recognition; and

Whereas, Frank A. Fregiato was recently presented with the Law Enforcement Commendation Medal; and

Whereas, Frank A. Fregiato should be commended for his excellence and devotion in the field of law enforcement and for establishing the Live Courts to Our High Schools program.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Frank A. Fregiato for his outstanding accomplishment.

## THREATENED AND ENDANGERED SPECIES RECOVERY ACT OF 2005

SPEECH OF

**HON. RICHARD W. POMBO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 29, 2005*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3824) to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes:

Mr. POMBO. Mr. Chairman, Section 12(g) of H.R. 3824 clarifies that the operator of a water storage reservoir, water diversion structure, canal or other artificial water delivery facility is not liable for "take" of listed aquatic species that is attributable to recreational sportfishing programs managed by a State agency. Over the past several decades, the stocking of sport fish by State agencies has contributed to the decline in populations of native fish. Sport fish frequently prey upon native fish and compete with native fish for food, breeding habitat and other essential resources. Nevertheless, State operated programs to stock these fish in river systems continue. Likewise, there are continuing adverse effects to native fish resulting from earlier State operated programs which introduced sport fish into the streams. In recent years, some federal agencies have attempted to impose the responsibility for "take" of listed native fish resulting from the presence of sport fish in the streams on operators of water storage reservoirs, canals, water diversion structures and other artificial water delivery facilities in the river basin. These operators have been faced with demands that they take on the financial burden of "mitigating" for the loss of native listed fish, even though this loss is attributable to the introduction of sport fish under programs managed by State agencies. Section 12(g) makes clear that the operators of

water storage reservoirs, water diversion structures, canals and other artificial water delivery facilities are not liable for take of listed native fish under these circumstances, and are not responsible for implementing or financing mitigation measures to offset this take.

## HONORING THE PERFORMING RIGHTS ORGANIZATION SESAC ON ITS 75TH ANNIVERSARY

**HON. JIM COOPER**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 3, 2005*

Mr. COOPER. Mr. Speaker, I rise today to commend the performing rights organization SESAC for 75 years of service to the creative forces in music. We in Music City U.S.A. are grateful to SESAC for its continuing work on behalf of the songwriters and publishers who make music happen.

SESAC, which is based in my district in Nashville, has been a valuable force in protecting the rights of songwriters and publishers by defending copyrights against infringement and ensuring that artists receive the royalties they are due. Over the years, the many distinguished artists that have relied on SESAC to protect their artistic creations have included such singer-songwriter legends as Robert Johnson, Bob Dylan and Neil Diamond, Tennessee artists Arlos Smith, Sam and Annie Tate, and Jo Nichols, jazz luminaries Cassandra Wilson and Steve Coleman, R&B/Hip-Hop songwriters Bryan-Michael Cox, Swizz Beatz, and Teddy Riley. SESAC's musical library also includes such classics as Sweet Caroline, I'll Fly Away, and Forever Young, and renowned musicians such as Garth Brooks, U2, LeAnn Rimes, and Luciano Pavarotti, perform songs written by SESAC artists all over the world.

In addition to its representation of songwriters and publishers, SESAC should also be commended for its work to foster public awareness on the importance of copyright protection and the damage done by piracy. As part of the Music United Coalition, SESAC took an active role in the debate surrounding the legality of file-sharing, which was the subject of a recent Supreme Court case. This year, SESAC also sponsored the first Recording Arts Day in Washington, which gave lawmakers an opportunity to learn about the many complex and controversial issues surrounding the music business.

On behalf of my constituents in the Fifth District of Tennessee, I commend SESAC for its years of service and advocacy on behalf of the Nation's songwriters and music publishers, and wish the organization a happy 75th anniversary.

## THREATENED AND ENDANGERED SPECIES RECOVERY ACT OF 2005

SPEECH OF

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 29, 2005*

The House in Committee of the Whole House on the State of the Union had under consideration the bill. (H.R. 3824) to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes:

Mr. UDALL of Colorado. Mr. Chairman, I rise in strong support of this bipartisan substitute.

I am a supporter of the Endangered Species Act, but I have never rejected the idea of changing it. On the contrary, I have repeatedly said that I thought it would be possible to improve the way it was implemented.

So, I regret that I was unable to support H.R. 3824 as ordered reported by the Resources Committee.

I support much of the thrust of the original bill. I support putting more emphasis on recovery plans and on steps to provide incentives for landowners and other private parties to help with recovering species.

And the Resources Committee did make improvements in the original bill.

For example, the committee approved my amendment to retain protections for species listed as "threatened" and an amendment I offered with the gentleman from New Mexico, Mr. PEARCE, to authorize the U.S. Fish and Wildlife Service to compensate ranchers for livestock lost to an endangered predator that has been reintroduced into the wild.

Unfortunately, though, other needed amendments were not approved—and as a result I concluded that the bill's defects were still so numerous and so serious that it should not be approved without further changes.

Now, with this substitute, we can keep the best parts of the bill as reported—including the authorization for reimbursement for livestock losses—and make the further improvements that will make it into one that deserves approval by the full House of Representatives.

Like the bill as reported, the substitute, with identical language, will eliminate the critical-habitat provisions of current law that have done relatively little to protect species and so much to foster lawsuits, and red tape.

And the substitute includes the same language as the bill as reported to codify and expand on regulations ensuring that land owners who enter into conservation agreements with the Fish and Wildlife Service won't be required to do more if circumstances beyond their control change.

But the substitute goes further than the bill as reported by requiring the government first to do as much as possible on public lands to conserve species before it acts to put that burden on private land owners. This is a very important provision that will directly benefit landowners, especially in Colorado and other

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

States where there are extensive Federal lands.

Also, like the bill as reported the substitute includes provisions to create a new, voluntary program of incentives to landowners who implement conservation practices on their lands. Ranchers and farmers in Colorado and across the west understand the importance of protecting threatened and endangered species, and want to do what they can to help, and I strongly support providing these incentives.

But here again the substitute is better—because while both the bill as reported and the substitute include provisions for giving landowners technical assistance, only the bipartisan Substitute allows the Interior Department to give priority to smaller land owners who cannot afford expensive consultants.

Just as important, the substitute not only improves on good features of the bill as reported, it also corrects its worst flaws.

The bill as reported would weaken the protection of threatened and endangered species by making recovery plans unenforceable, by limiting the role of science, and in other ways as well. The substitute is better on these points.

In addition the substitute does not include the reported bill's language to change the current law regulating the use of pesticides. That law may need some revisions, but if so they should be made after thorough consideration and careful deliberation, rather than through a last-minute amendment in the Resources Committee, which is how this was added to the bill.

Proponents of the reported bill say the Endangered Species Act has led to too many lawsuits. But according to the Bush Administration's analysis of the bill as reported, "the new definition of jeopardy in the bill, as well as various statutory deadlines, may generate new litigation and further divert agency resources from conservation purposes." The substitute does not have the same problems.

And, finally, the substitute does not include the reported bill's vague provisions that would set up a new entitlement program—a program without clear boundaries that would increase Federal spending to an extent that cannot be easily calculated.

Those provisions worry the Bush Administration, which has told us that they "provide little discretion to Federal agencies and could result in a significant budgetary impact."

And after reviewing the bill as reported, the nonpartisan budget watchdog group Taxpayers for Common Sense concluded that "This legislation is rife with loopholes and vague wording that have the potential to cost taxpayers billions of dollars, and must be revised." I completely agree and I support the bipartisan substitute because it makes the revisions necessary to close those loopholes. For the benefit of our colleagues, I attach the full text of the letter from Taxpayers for Common Sense.

I urge the adoption of the substitute.

TAXPAYERS FOR  
COMMON SENSE ACTION,  
Washington, DC, September 28, 2005.

DEAR REPRESENTATIVE: Taxpayers for Common Sense (TCS), a non-partisan budget watchdog, has grave concerns regarding H.R. 3824, the Threatened and Endangered Species Recovery Act of 2005. As reported by the House, this bill would establish a new entitlement program that will not only burden

taxpayers but require the creation of an unnecessary and complex Federal spending program.

TCS believes that, as written, the true fiscal impacts of this bill are impossible to calculate, but are likely to be large. H.R. 3824 establishes a policy whereby landowners could file takings claims against the government for relatively unspecific future development plans. The bill's vague language is also likely to encourage serial filers, as there is nothing to prevent landowners from collecting multiple times on the same piece of land property. Additionally, H.R. 3824 would require Federal taxpayers to pay even if the law affects only a small portion of a landowner's property and has little or no impact on the overall value of the remainder of that property. In fact, this legislation, as written, would almost always result in mandated payouts of taxpayer dollars, even if the value of the property had risen. In addition, the threshold for filing a claim and proving a taking under these new regulations would be extremely low, resulting in not only a near guaranteed payout from taxpayers to landowners, but also a likely flood of applications to take advantage of the windfall.

As we have seen countless times in the past, a loophole will always be exploited, and an enormous loophole will be exploited enormously. This legislation is rife with loopholes and vague wording that have the potential to cost taxpayers billions of dollars, and must be revised.

Sincerely,

STEVE ELLIS,  
Vice President for Programs.

#### A PROCLAMATION CONGRATULATING GREG PETERSON

**HON. ROBERT W. NEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 3, 2005*

Mr. NEY. Mr. Speaker:

Whereas, Greg Peterson is an exceptional individual worthy of merit and recognition; and

Whereas, Greg Peterson served in the Franklin County Prosecutor's Office for twelve years; and

Whereas, Greg Peterson served as the director of the gang unit at the Franklin County Prosecutor's Office for the past three years and won an extraordinary number of cases; and

Whereas Greg Peterson will be sworn in as Judge at the Franklin County Court of Common Pleas on October 7, 2005, and should be commended for his excellence, for his leadership and integrity, and for his ongoing efforts to affect other people's lives in a positive and in a changing way.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Greg Peterson for his outstanding accomplishments.

DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

SPEECH OF

**HON. SUE W. KELLY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 28, 2005*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes.

Mrs. KELLY. Mr. Chairman, prior to my election to Congress, I was a patient advocate and rape crisis counselor in New York's hospitals. I saw first-hand the debilitating effects domestic violence, dating violence, and sexual assault can have on a woman. It was there, as I counseled thousands of victims of rape and assault, that I recognized that more resources need to be provided to prevent these types of attacks, to assist victims in receiving justice, and to help these women put their shattered lives back together. That is why I feel so strongly about the Violence Against Women Act.

VAWA literally transformed the way our society deals with these types of attacks. Over the past ten years, it has provided vital resources and protections for victims. It has provided increased training for police, prosecutors, and court officials, and overhauled how the criminal justice system responds to victims of violence.

I ask all of my colleagues to support H.R. 3402, which reauthorizes the Violence Against Women Act, because it works. It is an effective tool in reducing the number of women living with violence.

H.R. 3402 develops new programs that meet the needs of battered women and creates a comprehensive approach to ending domestic violence, dating violence, sexual assault, and stalking.

Congress must reauthorize these historic women protections, and I ask that all of my colleagues support it later today.

#### THE RYAN WHITE CARE ACT

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 3, 2005*

Mr. TOWNS. Mr. Speaker, the Ryan White Care Act has played a significant role in the decline of HIV/AIDS cases and deaths. The care act is of utmost importance to the poor and uninsured because it is the primary means by which many receive health services.

Congress must act swiftly to reauthorize and strengthen the care act and I implore Congress to do so on behalf of persons living with HIV/AIDS in our Nation, the State of New York and the 10th Congressional District of Brooklyn in particular.

New York City remains the epicenter of the HIV/AIDS epidemic nationally. According to the HIV Health and Human Services Planning Council of New York, an estimated 92,000 New Yorkers are known to be living with HIV